

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JAMES HALL,)
)
Plaintiff,)
)
v.) Civ. Action No. 04-1328-GMS
)
DAVID HOLMAN, et al.,)
)
Defendants.)

ORDER

At Wilmington this 19th day of June, 2007;

When the plaintiff, James Hall ("Hall"), filed this lawsuit, he was a prisoner incarcerated within the Delaware Department of Correction. (D.I. 2) Hall proceeds *pro se* and was granted leave to proceed *in forma pauperis*. (D.I. 6.) On July 31, 2006, the court received correspondence from Hall indicating he had been released from prison. (D.I. 42.) As of January 5, 2007, Hall continued to participate in the case. (*See* D.I. 50.)

Hall's deposition was scheduled to take place on April 17, 2007, but he failed to appear and did not notify the defendants that he would not appear. (D.I. 60.) He also had failed to respond to discovery propounded upon him in February 2007. *Id.* Because the defendants were unable to communicate with Hall, and the discovery deadline was looming, the defendants moved for an extension of time to complete discovery. (D.I. 61.)

In an effort to move the case along, on May 10, 2007, the court ordered that a discovery conference take place on May 25, 2007, at 1:00 p.m. (D.I. 62.) In the Order, Hall was warned that failure to appear at the discovery conference might result in the case being dismissed for failure to prosecute. (D.I. 62.) The Order was sent to two different addresses for Hall; one listed

on the docket sheet and another provided by the defendants. The Order was mailed and it was not returned as undeliverable.

Because Hall had been released from prison, on May 11, 2007, the court entered another Order for Hall to either pay the balance of the filing fee owed or submit a new application to proceed *in forma pauperis* within thirty days of the date of the Order or face dismissal. (D.I. 63.) The court mailed the Order to the two addresses and, again, the Order was not returned as undeliverable.

Hall did not appear on May 25, 2007, for the scheduled discovery conference. Nor did he contact the court that he would not appear. Counsel for the defendants appeared ready to proceed with the discovery conference. Finally, Hall had not paid the balance of the filing fee owed nor has he submitted a new application to proceed *in forma pauperis*.

THEREFORE, at Wilmington this 19th day of June, 2007, IT IS HEREBY ORDERED that on or before July 5, 2007, Hall shall show cause why this case should not be dismissed for want of prosecution. *See Poulis v. State Farm Fire & Cas. Co.*, 747 F.2d 863, 868 (3d Cir. 1984). The defendants shall file a reply to Hall's response within fourteen (14) days following receipt of Hall's response.


UNITED STATES DISTRICT JUDGE

